

## REMARKS

Claims 1-31 are pending. Claims 1, 12, 22, 29, 30, and 31 are independent. In the outstanding Office Action, the Examiner rejected claims 12-13, 15, 17-19 and 21 under 35 U.S.C. § 102(e) as being anticipated by Fujii et al. (U.S. Patent No. 6,829,463). The Examiner also rejected claims 22-23 and 25 under 35 U.S.C. § 102(e) as being anticipated by Yamauchi et al. (U.S. Pub. No. 2004/0105704). In addition, the Examiner objected to claims 14, 16, 20, 24 and 26-28 as being dependent upon a rejected base claim. Applicants thank the Examiner for the indication of allowable subject matter in claims 1-11 and 29, as well as in claims 14, 16, 20, 24 and 26-28.

Applicants traverse the rejection of claims 12-13, 15, 17-19 and 21 under 35 U.S.C. § 102(e) as being anticipated by Fujii et al. because Fujii et al. fails to disclose all the claimed subject matter of claim 12. For example, Fujii et al. fails to disclose a toner supplying apparatus having all the claimed features, “wherein the storage side flow control mechanism and the wall are configured to prevent the mixed fluid from flowing backward to the toner hopper,” as recited in claim 12. The Examiner considers the storage side flow control mechanism to read on screw 34 in Fujii et al. However, claim 12 requires both a storage side flow control mechanism AND a “supply member, configured to transfer the toner from the toner hopper to the storage side flow control mechanism.” Fujii et al. seems to indicate at col. 5, lines 21-23 that the supply member as claimed reads on screw 34. However, Fujii et al. does not disclose any structure “configured to prevent the mixed fluid from flowing backward to the toner hopper” as is

the claimed storage side flow control mechanism. Therefore, the rejection of claim 12 based on Fujii et al. should be withdrawn.

Applicants also traverse the rejection of claims 22-23 and 25 under 35 U.S.C. § 102(e) as being anticipated by Yamauchi et al. because Yamauchi et al. fails to disclose all the claimed subject matter of claim 22. For example, Yamauchi et al. fails to disclose a toner supplying apparatus having all the claimed features, such as “a first valve including a movable member covered by a wall” and “a second valve including a movable member covered by a wall,” as recited in claim 22. Further, Yamauchi et al. fails to disclose a first valve having the capability of “preventing the air stream from separating from the mixed fluid flow into the developing device,” and a second valve having the capability of “preventing the mixed fluid from flowing backward to the toner hopper,” as required by claim 22. Therefore, the rejection of claim 22 based on Yamauchi et al. should be withdrawn.

Further, Applicants submit that the rejection under 35 U.S.C. § 102(e) based on Yamauchi et al. should be withdrawn, because Yamauchi et al. does not qualify as prior art under 35 U.S.C. § 102(e). The language of 35 U.S.C. § 102(e) provides that “[a] person shall be entitled to a patent unless . . . (e) the invention was described in . . . (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent.” M.P.E.P. § 2136.03(I) further provides that “applicant may be able to overcome the 35 U.S.C. 102(e) rejection by proving he or she is entitled to his or her own 35 U.S.C. 119 priority date which is earlier than the reference's U.S. filing date.” The instant application claims priority under 35 U.S.C. § 119 to Japanese Patent Application No. 2003-163521, filed on June 9,

2003. This priority date antedates the earliest effective filing date, i.e., November 24, 2003, listed on the face of Yamauchi et al. Therefore, Yamauchi et al. does not qualify as prior art under 35 U.S.C. § 102(e), and the rejection of claims 22-23 and 25 under 35 U.S.C. § 102(e) should be withdrawn.

In order to perfect the foreign priority claimed under 35 U.S.C. § 119 and pursuant with M.P.E.P. § 706.02(b), attached hereto is an English translation of the foreign priority document, Japanese Patent Application No. 2003-163521, as well as a statement signed by the translator declaring that the translation is a true translation.

Accordingly, Applicants respectfully requests the withdrawal of the rejection under 35 U.S.C. § 102(e) based on Yamauchi et al.

In view of the above, applicant submits that each of independent claims 12 and 22 are allowable. Further, each of claims 13-21 and 23-28 depend from independent claims 12 and 22, respectively, and therefore are allowable for at least the same reasons those claims are allowable.

In accordance with the Examiner's indication of allowable subject matter, newly added claim 30 is based on original claim 12 and incorporates the subject matter of claim 14, which the Examiner indicated as containing allowable subject matter. Newly added claim 31 is based on original claim 22 and incorporates the subject matter of claim 24, which the Examiner also indicated as containing allowable subject matter.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 16, 2005

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Attachments: English translation of foreign priority document, Japanese Patent Application No. 2003-163521